

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 20,758  
 )  
 Appeal of )

The petitioner appeals a decision of the Department for Children and Families, Health Access Eligibility Unit (HAEU), denying Vermont Health Access Program (VHAP) benefits for the petitioner, his spouse, and eighteen year old child, and denying Medicaid for his eighteen year old child. The issue is whether the household income exceeds the program maximums for VHAP and/or Medicaid.

1. The petitioner lives with his spouse and two children. One child turned eighteen years old on January 18, 2007 and is a high school senior. Prior to turning eighteen years old, the child was covered by Dr. Dynasaur. The other child is a minor.

2. Both the petitioner and his spouse are employed. At the time of the application for VHAP benefits, the petitioner worked part-time and his spouse worked full-time. Both the petitioner and his spouse are covered by health

insurance through their respective employers. Their minor child continues to be eligible for Dr. Dynasaur. Their main concern is health coverage for their eighteen year old child.

3. A hearing was held on March 28, 2007. Petitioner's spouse represented the household. The facts are not in dispute. At the time of application, the household had countable income of \$4,144.76 per month which is in excess of the VHAP maximum of \$3,184 for a four person household with minor children.

4. For the child's Medicaid application, parental support was allocated to the child in the amount of \$1,036.18 per month which is in excess of the income limit for an ANFC-related Medicaid household of one. The Department then found the child ineligible for Medicaid until she meets a medical spend-down.

5. The household was advised to reapply on behalf of their eighteen year old child if their income falls below the monthly minimums for either program.

ORDER

The Department's decision is affirmed.

REASONS

Under the pertinent VHAP regulations, the Department needs to determine the household composition and the household's countable income.

Based upon W.A.M. § 4001.8, the VHAP household includes the applicant, his/her spouse, and children under the age of twenty-one years. Petitioner, his spouse, and two children constitute a VHAP household of four.

The regulations governing countable income are found at W.A.M. § 4001.81. Both petitioner and his spouse are employed. The regulations allow a \$90 standard employment deduction. W.A.M. § 4001.81(e). After applying the \$90 disregard, the petitioner's household had countable income in excess of the maximum for eligibility under the VHAP program for a household of four with minor children which is \$3,184. P-2420B.

Young adults under the age of twenty-one years may qualify for ANFC-related Medicaid. M321. In determining eligibility, the income of financially responsible relatives is deemed available to the applicant. M331. The petitioner's spouse testified that they were told their child would be transitioned from Dr. Dynasaur to another Department medical assistance program when she turned eighteen years

old. The regulations allow Medicaid only if the other eligibility criteria such as income are met. The amount of parental support deemed to the child is over the maximum income limits for ANFC-related Medicaid. Because the child is over income for ANFC-related Medicaid, the Department correctly took the next step to calculate a spend-down amount. M303.

In conclusion, the Department's decision that the petitioner, his spouse, and eighteen year old child are not eligible for VHAP and that the eighteen year old child is not eligible for Medicaid is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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